



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION

Meeting Minutes for April 10, 2003

Members in Attendance:

Karl Honkonen	Designee, EOEA
Joe Pelczarski	Designee, CZM
Marilyn Contreas	Designee, DHCD
Mike Gildesgame	Designee, DEM
William Blanchard	Designee, DFA
Cynthia Giles	Designee, DEP
Todd Richards	Designee, MDFW
Gary Clayton	Public Member
David Rich	Public Member
Frank Veale	Public Member
Matthew Rhodes	Public Member
Bob Zimmerman	Public Member

Others in Attendance:

Michele Drury	DEM/OWR
Lise Marx	MWRA
Vicki Gartland	DEM/OWR
Linda Marler	DEM/OWR
Sara Cohen	DEM/OWR
Margaret Kearns	DFW/Riverways
Carl Leone	MWRA
Betsy Shreve-Gibb	Metcalf & Eddy, Inc.
Moises Pariente	Aquaria Water, LLC
Vandana Rao	EOEA
Melissa Cryan	EOEA
Milan Horbaczewski	MWRA
David Barnes	FST/MWRA
Kathryn Hess	USGS
Dave Armstrong	USGS
Meg Sheehan	Watershed Action Alliance
Pine duBois	Jones River Watershed Association
John Torgon	Save the Bay
Ralph Abele	EPA
Kerry Mackin	Ipswich River Watershed Association
John Murphy	Hanson, Murphy, and Associates

Jeff Hanson	Hanson, Murphy, and Associates
Nina Danforth	DEM/OWR
Dick Laramie	CDM
Ginger Hartman	CDM

Item #1: Executive Director's Report:

Linda Marler provided the Hydrologic Conditions Report:

- Ground water levels are generally good, above normal rainfall in March
- Reservoir levels are generally up to normal, some are overflowing
- The drought officially ended on January 31st, 2003

Item #2 Vote: Determination of Completeness of the Interbasin Transfer Application of Aquaria

Talks began with the Bluestone Energy Systems, Inc. back in 1994/1995 about this proposal. Aquaria, now has taken over from Bluestone on the project. An Interbasin Transfer Act Application permit was filed in 1997.

The desalinization plant will take water from the Mass Coastal basin – the estuarine portion of the Taunton River. CZM and DMF have helped with this application. The plant is designed to provide 5-10 mgd to customers in the Taunton Basin and elsewhere. Because this project is being developed by a private entity and sold to public customers, the WRC developed guidelines in 1996 which designated which parties would be responsible for addressing each of the criteria of the Act.

There were concerns that communities might abandon their water supplies or use only Aquaria water for their supply, and that water supply sources that need protection might go unprotected. Because of these concerns in 1996, the WRC stated that in these cases, communities' water purchase would be considered "significant" under the Act, regardless of the amount of water purchased. In 2000, the Secretary's certificate on the final EIR required that any customer purchasing water would have to file a MEPA Notice of Project Change that addresses, among other things, the Interbasin Transfer Act requirements.

Staff is recommending that the Aquaria portion of the application be deemed complete for the purposes of review, without passing judgment on the merits of the project.

Pine duBois expressed concern about the application's acceptance as complete, and also had concern regarding the Notice of Project Change that is required by communities that will buy water. Her main issues is the volume of water Brockton takes from Silver Lake, and she asked how the WRC can accept the application as complete if we have not spoken with the community about their needs? There is more information that should be gathered before the application is deemed complete.

John Torgon said he was concerned about the impact of the water withdrawal. He said that not all of his concerns have been answered by Aquaria's consultants, such as legal requirements for identifying conservation plans, alternative analyses, etc.

Meg Sheehan expressed her belief that the application is inadequate. She stated that she had not seen any reports or studies that were supposed to be pulled together and she believes that no one had spoken to the Natural Heritage and Endangered Species Program staff to discuss impacts on those populations. Sheehan stated that water withdrawals at buildout should be looked at, not the levels they are at now and the communities and the state should work together on a collaborative solution to this issue.

Drury pointed out that Aquaria does not have any responsibility for or control over the way the communities use the water they purchase. The recommendation that staff is giving only applies to the Aquaria side of the equation, not the communities. Aquaria was required to provide environmental analyses at full plant buildout. The concerns that Pine expressed are valid, but not all are applicable under the Interbasin Transfer Act. Some of these concerns are covered under the Water Management Act. If the application is deemed complete, the regulatory “clock” can begin, and staff can review the information provided against the environmental criteria of the Act.

Aquaria has said that they will not go forward with the plan to build the plant until they have actual customers in place. They will have to provide a list of potential customers who will have to get their own permits to buy the water.

Bob Zimmerman suggested working on how we use water before we accept this application as complete.

V O T E	Clayton moved with a second by Veale to accept the Aquaria Interbasin Transfer application as complete.
	The motion was approved by nine in favor and Gary Clayton and Bob Zimmerman opposed.

Item #3: Update on Streamflow Policy for the Commonwealth

The state partnered with the USGS to develop a hydrologic model of the Ipswich River Basin and a related study of habitat issues associated with streamflow. With no withdrawals, the model shows stream flow in the river 100% of the time. When you add on withdrawals, the low flows in the river are reduced, and the flow will come to zero 90% of the time. Models are good, but a habitat study will show more detail. The Ipswich River has mostly pond fish, not river fish, living there, as one would expect in a riverine system..

Riffles are the most sensitive area – they become dry first. Riffles are important for maintaining macroinvertebrate habitat. Channel margins, also important for fish, are also among the first to be hit. If we can get flow the riffles, the rest of the river will provide much improved habitat..

The R2 Cross Method is based on the river, not statistics. This makes it the best model to follow. Flow is measured from bank to bank. Other sites are being studied across the state, and various results are being seen.

Bob Zimmerman asked what the procedure will be to accept or reject the flow numbers that USGS recommends. Vicki will present more information at a future Commission meeting for a vote.

Item #4: MWRA's Request for Determination of Applicability

Drury reported that the Upper Neponset Valley Relief Sewer project has nothing to do with the Upper Neponset Valley; it's in the Charles Basin. The sewer serves Brookline, Newton, Dedham, and West Roxbury. Brookline and Newton get their water from the MWRA sources in the Quabbin and Wachusett Reservoirs. West Roxbury's wastewater would not be subject to the Act because of the intra-town exemption. The project will take care of overflows that happen in the Upper Neponset Valley sewer. They will put in one pipe that will take all of the wastewater into the Wellesley Extension Release Sewer (WERS), eventually going out to Deer Island. By straightening slopes and curves in the pipe, the flow will be more efficient. However, the capacity of the juncture of this pipe with the WERS will decrease, therefore, it is recommended that the Interbasin Transfer Act does not apply.

Meeting adjourned.

Meeting minutes approved 9/11/03